

## REMARKS

### I. Introduction

Claims **1-29** are currently pending in the present application. Claims **1, 17-19**, and **28-29** are independent.

The Examiner has indicated that claims **2-7** and **19-29** are directed to allowable subject matter. Office Action mailed July 27, 2005, Part of Paper No./Mail Date 20050929 (hereinafter the "Office Action"), pg. 5, bullets four and five.

The remaining claims stand rejected. In particular, claims **1** and **8-18** stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 6,542,077 (hereinafter "Joao") in view of U.S. Patent No. 6,254,536 (hereinafter "DeVito").

Applicants hereby respectfully request reexamination and reconsideration of the pending claims in light of the remarks provided herein and in accordance with 37 C.F.R. §1.112.

### II. The Examiner's Rejections - §103(a) – Joao in view of DeVito

Claims **1** and **8-18** stand rejected as being allegedly unpatentable over Joao in view of DeVito. Applicants respectfully traverse this ground for rejection as follows.

Applicants respectfully submit that neither Joao nor DeVito, either alone or in combination, teach or suggest limitations of claims **1** and **8-18**. Neither Joao nor DeVito teach or suggest, for example, *transmitting a test image of a fabricated breach of security to a user*.

The Examiner agrees that Joao does not teach or suggest such a limitation (Office Action, pg. 2, last paragraph), and relies upon DeVito to make up for the deficiencies of Joao. In particular, the Examiner states that DeVito describes transmitting images of a security breach to a user to measure the attentiveness of the user. *Id.* Applicants respectfully point out that even if this characterization of DeVito is correct (which Applicants submit that it is not), DeVito would nonetheless fail to make up for the deficiencies of Joao. Even if DeVito did transmit security breach images to measure the

attentiveness of a user, for example, such a security breach and/or associated images are not *test images of a fabricated security breach* (i.e., as recited by claims 1 and 8-18).

Further, Applicants respectfully submit that DeVito does not even teach or suggest transmitting an image of any type of security breach. The section of DeVito cited and relied upon by the Examiner (Col. 17, lines 15-25), for example, describes **utilizing plants to generate signals indicating the presence of an intruder**. Nowhere in the cited section or anywhere else in DeVito is an image of such a security breach transmitted (much less a test image of a fabricated security breach).

Further yet, Applicants respectfully submit that Neither Joao nor DeVito teach or suggest, *determining whether the first user recognizes the breach of security in the test image*.

The Examiner cites Col. 96, lines 5-14 of Joao to support the contention that Joao teaches or suggests *determining whether the first user recognizes the breach of security in the test image*. Office Action, pg. 2, last paragraph. Upon review of this cited section of Joao (and indeed, Joao in it's entirety), Applicants must respectfully disagree. The cited section of Joao merely describes how **video cameras may be used to provide recorded and/or real-time images to an owner or occupant** – which is well known. Nowhere does Joao describe determining whether the owner or occupant recognizes a breach of security (much less a fabricated breach of security).

DeVito simply fails to make up for this deficiency of Joao. DeVito, for example, while contemplating measuring a user's responses to presented images, etc., does not do so to determine if the user recognizes a breach of security. Instead, DeVito **measures user responses to determine user preferences for various images**, etc. (e.g., such as an alternate method of Nielson™ ratings).

At least for these reasons, the Examiner has failed to establish a *prima facie* case of obviousness for claims 1 and 8-18. Accordingly, Applicants respectfully request that the §103(a) rejections of claims 1 and 8-18 be withdrawn.

### III. Conclusion

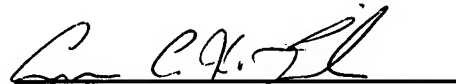
At least for the foregoing reasons, it is submitted that all pending claims are in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remain any questions regarding the present application or the cited reference, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Carson C.K. Fincham at telephone number 203-461-7017 or via electronic mail at [cfincham@walkerdigital.com](mailto:cfincham@walkerdigital.com), at the Examiner's convenience.

Respectfully submitted,

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Date



Carson C.K. Fincham  
*Attorney for Applicants*  
Registration No. 54,096  
Walker Digital, LLC  
[cfincham@walkerdigital.com](mailto:cfincham@walkerdigital.com)  
203-461-7017 /voice  
203-461-7300 /fax